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Ralph E. Jocke  
Patent  
&  
Trademark Law

January 13, 2006

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Re: **Application No.:** 09/414,290  
**Confirmation No.:** 3095  
**Appellants:** Jeffery M. Enright, et al.  
**Title:** Remote Viewing of ATM Transaction Records  
**Docket No.:** D-1112 R1

Sir:

Enclosed is a Supplemental Appeal Brief pursuant to 37 C.F.R. § 41.37. A fee (\$320) was already paid for a previous Appeal Brief. A previously filed extension of the time extended the period for response to January 14, 2006.

Please charge the fees for the enclosed Appeal Brief (\$180), and any other fee due to Deposit Account 09-0428.

Very truly yours,

Ralph E. Jocke  
Reg. No. 31,029

## CERTIFICATE OF MAILING BY EXPRESS MAIL

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rej@walkerandjocke.com  
E-MAIL



D-1112 R1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of	)	
<b>Jeffery M. Enright, et al.</b>	)	
	)	
Application No.: <b>09/414,290</b>	)	Art Unit 3628
	)	
Confirmation No.: <b>3095</b>	)	
	)	
Filed: <b>October 7, 1999</b>	)	Patent Examiner
	)	David Vincent
	)	
Title: <b>Remote Viewing of ATM</b>	)	
<b>Transaction Records</b>	)	

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**SUPPLEMENTAL BRIEF OF APPELLANTS  
PURSUANT TO 37 C.F.R. § 41.37**

Sir:

The Appellants hereby request reinstatement of their appeal. The Appellants hereby submit their Supplemental Appeal Brief pursuant to 37 C.F.R. § 41.37 concerning the above-referenced Application. This Supplemental Appeal Brief is in response to the Office Action dated June 6, 2005 and the Supplemental Office Action dated September 16, 2005, which reopened prosecution.

01/17/2006 RFEKADU1 00000004 090428 09414290  
01 FC:1402 500.00 DA

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Adjustment date: 01/17/2006 RFEKADU1  
11/27/2002 CV0111 0000089 090428 09414290  
01 FC:1402 320.00 CR

(i)

**REAL PARTY IN INTEREST**

The Assignee of all right, title and interest to the above-referenced Application is Diebold, Incorporated, an Ohio corporation.

**(ii) RELATED APPEALS AND INTERFERENCES**

Appellants, Appellants' legal representative, and assignee believe that there are no related appeals or interferences pertaining to this matter.

(iii)

## STATUS OF CLAIMS

Claims 1-43 are pending in the Application.

Claims rejected: 1-15, 17-22, and 25-43

Claims allowed: none

Claims confirmed: none

Claims withdrawn: none

Claims objected to: 16 and 23-24

Claims canceled: none

Appellants appeal the rejections of claims 1-15, 17-22, and 25-43, inclusive. These rejections were in the Office Action ("Action") dated June 6, 2005 and the Supplemental Office Action dated September 16, 2005.

(iv)

## STATUS OF AMENDMENTS

The non-final Action dated June 6, 2005 reopened prosecution following an Appeal Brief (dated November 22, 2002). A Supplemental Office Action was mailed September 16, 2005.

Appellants respectfully request reinstatement of their appeal. Claims have been rejected at least thrice.

No final rejection is pending. Therefore, no amendments to the claims were requested to be admitted after a final rejection. However, a declaration pursuant to 37 CFR § 1.131 ("declaration") was filed (on January 12, 2006) in accordance with 37 CFR § 41.33(d)(1).

Appellants respectfully submit that the declaration is sufficient as it meets the requirements of 37 CFR § 41.33(d)(1). That is, the declaration overcomes all rejections under appeal, and a showing of good and sufficient reasons why it is necessary and was not earlier presented was provided.

"Where the differences of opinion concern the denial of patent claims because of prior art or other patentability issues, the questions thereby raised are said to relate to the merits, and appeal procedure within the Office and to the courts has long been provided by statute (35 U.S.C. § 134)" (MPEP § 1201). Review on the merits of a 37 CFR § 1.131 declaration is by appeal to the Board of Patent Appeals and Interferences (MPEP § 715.08). Thus, Appellants respectfully submit that any determination by the Examiner against the sufficiency of the declaration is an appealable matter. Therefore, if the Examiner determines that the declaration is not sufficient, then Appellants respectfully request that the issue of its merit be part of this appeal.

**(v) SUMMARY OF CLAIMED SUBJECT MATTER**

*Concise explanations of exemplary forms of the claimed invention:*

For reasons of brevity, claim language may be referred to herein (and in Appellants' arguments) in a shortened version. For example, language such as "at least one" may be simply referred to as "a". Any generalized statement herein is not to limit any of the mentioned claims in any manner. Please refer to the specific claim for the exact claim language.

With respect to independent claim 1

An exemplary form of the invention is directed to an apparatus. For example, note Figures 1-2 and corresponding Specification pages 20-27. The apparatus includes an automated banking machine (e.g., ATM 12; page 20); a camera (24, 26; page 21); a computer (40) including a server in operative connection with a data store (42) (page 22, lines 14-18); a communication network (44) (page 24, lines 1-4); and a user terminal (46, 52; page 25) including an output device (62, 64; page 26, lines 1-2) and a browser (48; page 25, line 7). The machine (12) can carry out at least one transaction function (page 22, lines 7-13). The computer (40) is in operative connection with both the machine (12; page 22, lines 15-16) and the camera (24, 26; page 23, lines 1-2). The computer (40) is operative to include image data corresponding to the camera signals in the data store (42) responsive to the machine (12) carrying out at least one transaction function (page 8, lines 16-18; page 23, lines 8-13; page 26, lines 16-21; page 39, lines 1-2 and 18-21; page 69, lines 10-13 and 18-20; page 105, lines 7-9). The communication network (44) is in operative connection with the server (40) and the user terminal (46, 52) (Figure 2). The user terminal (46, 52) can communicate with the server (40) through the browser

(48) (page 25, lines 7-8; page 26, lines 3-6). The user terminal (46, 52) is operative to output images corresponding to the image data through the output device (62, 64) (page 72, lines 6-8).

With respect to independent claim 38

Another exemplary form of the invention is directed to an apparatus. Support in the disclosure for similar claim language has previously been provided. The apparatus includes an ATM (12) comprising a plurality of function devices (14, 16, 18, 20, 22; Figure 2; page 22, lines 7-13); a camera (24, 26); a computer (40); a communication network (44); and a terminal (46, 52) remotely located from the ATM (12). The computer (40) is operative (on a first date) to store image data corresponding to the camera signals in a data store (42) responsive to operation of a selected function device (14, 16, 18, 20, 22). Note the function device selection at page 69, lines 14-20. The terminal (46, 52), being in operative connection with the data store (42), can receive (on a second date) retrieved stored image data. The terminal (46, 52) can also display images corresponding to the retrieved image data through a display device (62).

With respect to independent claim 41

Another exemplary form of the invention is directed to an apparatus. Support in the disclosure for similar claim language has previously been provided. The apparatus includes an ATM (12) comprising a plurality of transaction function devices (14, 16, 18, 20, 22; Figure 2; page 22, lines 7-13); an image device (24, 26); a computer (40) including a server in operative connection with a data store (42) and the ATM (12); a network (44); and a user terminal (46, 52). Responsive to the ATM (12) carrying out an ATM transaction function through operation of a



transaction function device (14, 16, 18, 20, 22), the computer (40) can cause (at a first time) image data corresponding to the image device signals to be included in the data store (42). The user terminal (46, 52) can communicate with the server to output images (at a second time) corresponding to the (data store) image data through a terminal output device (62).

**(vi) GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The questions presented in this appeal are:

- 1). Whether claims 38-40 are unpatentable pursuant to 35 U.S.C. § 102(e) as being anticipated by Hackett (WO 98/11714).
- 2). Whether claims 1-15, 17-20, 22, 30, and 41-43 are unpatentable pursuant to 35 U.S.C. § 103(a) as obvious over Hackett in view of Wookey (US 6,023,507).
- 3). Whether claims 25-29 are unpatentable pursuant to 35 U.S.C. § 103(a) as obvious over Hackett in view of Wookey and Blackwell (US 5,602,933).
- 4). Whether claims 31-37 are unpatentable pursuant to 35 U.S.C. § 103(a) as obvious over Hackett in view of Wookey and Cruz (US 5,613,032).
- 5). Whether claim 21 is unpatentable pursuant to 35 U.S.C. § 103(a) as obvious over Hackett in view of Wookey and Bellman (US 4,831,438).
- 6.) If necessary, the sufficiency of the declaration filed (on January 12, 2006) pursuant to 37 CFR § 1.131. Note Appellants' remarks in the above "Status of Amendments" section (iv).

(vii)

## ARGUMENT

### The 35 U.S.C. § 102(e) Rejections

#### The Applicable Legal Standards

Anticipation pursuant to 35 U.S.C. § 102 requires that a single prior art reference contain all the elements of the claimed invention arranged in the manner recited in the claim. *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548, 220 USPQ 193, 198 (Fed. Cir. 1983).

Anticipation under 35 U.S.C. § 102 requires in a single prior art disclosure, each and every element of the claimed invention arranged in a manner such that the reference would literally infringe the claims at issue if made later in time. *Lewmar Marine, Inc. v. Barient, Inc.*, 827 F.2d 744, 747, 3 USPQ2d 1766, 1768 (Fed. Cir. 1987).

Anticipation by inherency requires that the Patent Office establish that persons skilled in the art would recognize that the missing element is necessarily present in the reference. To establish inherency the Office must prove through citation to prior art that the feature alleged to be inherent is "necessarily present" in a cited reference. Inherency may not be established based on probabilities or possibilities. It is plainly improper to reject a claim on the basis of 35 U.S.C. § 102 based merely on the possibility that a particular prior art disclosure could or might be used or operated in the manner recited in the claim. *In re Robertson*, 169 F.3d 743, 49 USPQ2d 1949 (Fed. Cir. 1999).

It is respectfully submitted that the Action from which this appeal is taken does not meet these burdens.

### **Hackett does not anticipate the claims**

Claims 38-40 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hackett.

The Office alleges (at pages 2-3) that Hackett teaches an apparatus (50) comprising an ATM (52); a camera (90a-90d), a computer (146) coupled to a data store (148, 168); a communication network; and a terminal (98). The Office further alleges that the ATM (52) includes a plurality of function devices (page 8, lines 1-13).

### **Hackett does not qualify as prior art under 35 U.S.C. § 102(e)**

The Hackett reference (WO 98/11714) does not qualify as prior art to the recited invention under 35 U.S.C. § 102(e). For example, Hackett has a filing date prior to the November 29, 2000 (AIPA) amendment to 35 U.S.C. § 102(e). Nor is Hackett a U.S. patent. See MPEP § 706.02(f)(1) and § 2136.03. Hackett cannot anticipate the claims pursuant to 35 U.S.C. § 102(e). Thus, the 35 U.S.C. § 102(e) rejections based on Hackett are legally improper.

As previously discussed, Hackett does not constitute prior art under 35 U.S.C. § 102(e). Even if it were somehow possible (which it isn't) for Hackett to qualify as prior art under 35 U.S.C. § 102(e), Hackett still would not anticipate the claims, as discussed in more detail below.

### **Claim 38**

Hackett does not anticipate claim 38. Hackett does not teach at least the recited computer. It follows that Hackett cannot teach the recited apparatus.

Claim 38 recites "a computer in operative connection with a data store and the at least one camera, wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of a selected function device".

The Office alleges that Hackett (at page 8, lines 3-11) has an ATM (52) including a plurality of function devices. Hackett has function devices that permit typical ATM transactions, such as "deposits to savings or checking accounts and cash withdrawals" (page 8, lines 4-6). As is well known, these transactions are conventionally carried out through respective operation of a deposit accepting function device and a cash dispenser function device.

However, Hackett's computer (146) does not store image data in a data store responsive to *operation* of one of these function devices as specifically recited in claim 38. It follows that Hackett's computer (146) does not have the structural and functional capabilities of the recited computer. Thus, Hackett's computer (146) cannot constitute the recited computer.

Additionally, where does Hackett's computer (146) (the alleged recited computer) store image data in a data store responsive to operation of a *selected* function device? Where does Hackett select a function device so that the operation thereof causes the computer to store image data in a data store? There is no teaching in Hackett of linking function device selection to image data storage. Hackett does not distinguish a selected function device from a plurality of ATM function devices. It follows that Hackett's computer (146) cannot store image data in a data store responsive to operation of a function device selected from a plurality of ATM function devices. Thus, Hackett's computer (146) cannot constitute the recited computer. Hackett does not anticipate the recited apparatus. Thus, Appellants respectfully submit that the 35 U.S.C. § 102(e) rejection of claim 38 should be withdrawn.

### **Claim 39**

Claim 39 depends from claim 38. As previously discussed, Hackett refers to typical ATM transactions, such as "deposits" and "cash withdrawals" (page 8, lines 4-6). These transactions are conventionally carried out through respective operation of a deposit accepting transaction function device and a cash dispenser transaction function device.

Where does Hackett store image data due to the *operation* of the deposit accepting transaction function device or the cash dispenser transaction function device? Hackett's computer (146) (the alleged recited computer) does not store image data in a data store responsive to operation of one of these transaction function devices. At best, Hackett's camera initiation is in response to a person (not a transaction function device) inserting their card in the card slot (66) (page 14, lines 25-26; page 17, lines 12-14). Thus, Hackett's computer (146) cannot constitute the recited computer.

Additionally, as previously discussed, Hackett's computer (146) also does not store image data in a data store responsive to operation of a *selected* transaction function device during an ATM transaction. Again, Hackett's computer (146) cannot constitute the recited computer. It follows that Hackett does not anticipate the recited apparatus of claim 39.

### **Claim 40**

Claim 40 depends from claim 39. For reasons previously discussed, Hackett also does not teach a terminal that is operative to display images corresponding to customer image data through a terminal display device. Hackett does not anticipate claim 40.

## The 35 U.S.C. § 103 (a) Rejections

### The Applicable Legal Standards

Before a claim may be rejected on the basis of obviousness pursuant to 35 U.S.C. § 103, the Patent Office bears the burden of establishing that all the recited features of the claim are known in the prior art. This is known as *prima facie* obviousness. To establish *prima facie* obviousness, it must be shown that all the elements and relationships recited in the claim are known in the prior art. If the Office does not produce a *prima facie* case, then the Appellants are under no obligation to submit evidence of nonobviousness. MPEP § 2142.

The teaching, suggestion, or motivation to combine the features in prior art references must be clearly and particularly identified in such prior art to support a rejection on the basis of obviousness. It is not sufficient to offer a broad range of sources and make conclusory statements. *In re Dembiczak*, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999).

Even if all of the features recited in the claim are known in the prior art, it is still not proper to reject a claim on the basis of obviousness unless there is a specific teaching, suggestion, or motivation in the prior art to produce the claimed combination. *Panduit Corp. v. Denison Mfg. Co.*, 810 F.2d 1561, 1568, 1 USPQ2d 1593 (Fed. Cir. 1987). *In re Newell*, 891 F.2d 899, 901, 902, 13 USPQ2d 1248, 1250 (Fed. Cir. 1989).

Evidence of record must teach or suggest the recited features. An assertion of knowledge and common sense not based on any evidence in the record lacks substantial evidence support. *In re Zurko*, 258 F.3d 1379, 59 USPQ2d 1693 (Fed. Cir. 2001). Patentability determination must be based on evidence of record. *In re Lee*, 277 F.3d 1338, 61 USPQ2d 1430 (Fed. Cir. 2002).

It is respectfully submitted that the Action requiring appeal does not meet these burdens.

**The Claims Are Not Obvious Over  
Hackett in view of Wookey**

Claims 1-15, 17-20, 22, 30, and 41-43 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hackett in view of Wookey.

The Office alleges (at pages 4-5) that Hackett teaches an apparatus (50; Figure 1) comprising an automated banking machine (52), a camera (90a-90d), and a user terminal (98; remote computer). The Office further alleges that the user terminal (98) comprises an output device (printer, storage device, or network) and a browser (display device).

The Action (at page 10) admits that Hackett does not teach or suggest "a computer labeled as a server". That is, the Action admits that Hackett does not teach or suggest the recited "computer including a server" (e.g., claims 1 and 41).

The Action (at page 10) alleges that Wookey teaches "responsive to the instructions to send an e-mail message through the network". The Office relies on Wookey at col. 6, line 61 to col. 7, line 7. Wookey is not relied upon in the Action for any feature other than e-mail. However, only claim 12 is related to e-mail. Therefore, it must be concluded that the application of Wookey is limited to claim 12. Any later additional application of Wookey by the Office must be viewed as a new ground of rejection.

The Action alleges that Hackett has a client (remote computer 116) and server (ATM computer 146) environment. The Action further alleges that it would have been obvious to label Hackett's computers as servers. The Office reasons (at Action page 10, last line to page 11, line 3) that "running a sever [sic] operating system at the ATM, would allow for more instructions to



be stored at the ATM and give the ATM location more ability to download/push software updates on to clients" in Hackett.

With regard to claim 12 and Wookey, the Office reasons (at Action page 11, lines 3-7) that "By using the email messages, Hackett could more easily reach a computer technician who is responsible for monitoring the various alarm conditions and malfunctions that are disclosed in Hackett. Hackett could then email an alarm image to a great many locations or employees."

The Appellants respectfully disagree with the interpretation and application of the references, as discussed in more detail hereafter. Briefly, Hackett does not teach or suggest the recited features and relationships. Wookey cannot alleviate the deficiencies of Hackett as he does not teach or suggest the recited features and relationships not found in Hackett. Nor would it have been obvious to have modified Hackett with Wookey as alleged. Even if it were somehow possible (which it isn't) for Hackett to have been modified as alleged, the modified Hackett still would not have resulted in the recited apparatus.

### **Claim 1**

#### **The improper claim interpretation renders the rejection invalid**

Appellants respectfully submit that the Office's interpretation of "browser" in the claim is not consistent with the Specification nor the interpretation that those skilled in the art would reach. Appellants' disclosure provides ample description of "browser" (e.g., page 25, lines 9-10; page 51, lines 3-9; page 55, lines 7-9). The Patent Office itself provides further evidence of this art-recognized term via numerous granted patents (e.g., 6,766,351; 6,470,327).

Additionally, the Patent Office's own patent classification system recognizes and uses the term "browser" in a manner different from the Examiner. For example, note the use of "browser" in the definition of class/subclass 719/311.

Nor is the Action's interpretation of "browser" consistent with ordinary dictionary usage. For example, note "browser" in the Microsoft Computer Dictionary (e.g., 5th edition, 2002).

In light of the overwhelming contrary evidence presented herein, the Examiner's attempt to have references read on claim language by trying to redefine a highly recognized term in the art is improper. As the claim language has not been interpreted by the Office as it would be interpreted by those of ordinary skill in the art, Appellants respectfully submit that the Action is improper and the rejection invalid.

A *prima facie* case of obviousness has not been established

Appellants respectfully submit that Hackett lacks more of the recited features than the Office admits. Nor has the Action addressed all of the recited features and relationships. For example, where does Hackett or Wookey teach or suggest the recited terminal "browser"? The references, taken alone or in combination, do not teach or suggest a *browser*, especially a browser that enables a user terminal to communicate with a computer server (which computer is in operative connection with an automated banking machine). The references don't even mention a browser. Nor does Hackett require a browser. It follows that Hackett and Wookey, whether taken alone or in combination, cannot teach or suggest all of the recited features and relationships. Hence, the Action does not factually support any *prima facie* conclusion of obviousness. *In re Zurko*, supra. *In re Lee*, supra.

Furthermore, because the Action does not explain the rejection with reasonable specificity (especially with regard to the recited browser), it procedurally fails to establish a *prima facie* case of obviousness. *Ex parte Blanc*, 13 USPQ2d 1383 (Bd. Pat. App. & Inter. 1989). Further, because the Action has not properly conducted a *Graham v. John Deere Co.* analysis, no *prima facie* case of obviousness has been established. That is, the Action also has not met the basic criteria for establishing a *prima facie* case of obviousness. *Graham v. John Deere*, 383 U.S. 1, 148 USPQ 459 (1966). MPEP § 2141.

Because the Office has not produced a *prima facie* case, Appellants are under no obligation to submit evidence of nonobviousness (MPEP § 2142). That is, the Appellants are not required to prove patentability. Conversely, it is the Office which must establish a *prima facie* case of obviousness under the law. Otherwise (as is the current situation), the Office is legally required to issue a patent. Although the Appellants have already shown that the rejection of claim 1 is not legally valid, even more reasons why the rejection should be withdrawn follow.

#### Additional reasons why the rejection should be withdrawn

Wookey cannot alleviate the noted deficiencies of Hackett. Wookey is non analogous art (to both the recited invention and to Hackett). Wookey is directed to diagnostics, not to an ATM or ATM transaction functions. Where does Wookey teach or suggest a computer (including a server) in operative connection with an ATM (and a camera)? The Office has not taught or suggested the recited "computer". It follows that the Office again has not established a *prima facie* case of obviousness.

Additionally, Hackett's ATM computer (146) does not amount to a server nor does the remote computer (116) amount to a client, as alleged in the Action (at page 10). Nor would it have been obvious to have Hackett "running a sever [sic] operating system at the ATM" as alleged in the Action (at page 10, last line). The Office has not provided evidence of record of an ATM server.

Hackett also teaches away from using a server at an ATM, especially to give the ATM more ability to push software to clients (like remote computer 116) as alleged (at page 11, lines 1-3). There is no teaching or suggestion of Hackett (or Wookey) having a single ATM communicate (via an alleged ATM server) with several remote stations (98), as apparently alleged by the Office. Nor does Hackett have any desire or need for his ATM (52) to communicate with a plurality of remote stations (98), especially when the single remote station (98) can view data from more than one ATM (page 21, lines 16-19; page 28, lines 21-22).

Again, it would not have been obvious to have modified Hackett as alleged. Nor would the alleged modification to Hackett have resulted in the recited apparatus.

Additionally, where does Hackett's computer (146) cause image data to be stored in a data store responsive to the *machine carrying out* a transaction function? Hackett refers to typical ATM transactions, such as "deposits to savings or checking accounts and cash withdrawals" (page 8, lines 4-6). These transactions are typically respectively carried out through the function of a deposit accepting device and a cash dispenser device. However, where does Hackett's computer (146) cause image data to be stored responsive to the ATM (52) *carrying out* a deposit accepting device function or a cash dispenser device function, especially at relied upon page 16, line 27 to page 17, line 7 (as alleged at Action page 3, lines 16-17)? Hackett's computer does not

cause image data to be stored in response to an ATM performing a transaction function. Again, Hackett's computer (146) cannot constitute the recited computer.

It follows that the relied upon computer (146) in Hackett is not "operative to include image data corresponding to the camera signals in the data store responsive to the machine carrying out at least one transaction function". For these reasons the computer (146) in Hackett cannot constitute the recited computer.

Again, claim 1 recites an automated banking machine; a computer (including a server) that is in operative connection with the machine and can include the image data in the data store responsive to a machine transaction function; and a user terminal that can communicate with the computer server through its browser and can output images corresponding to the image data. At best, Hackett merely teaches an ATM (52) and a remote monitoring station (98).

Again, the Action's assertions are not based on any evidence in the record. That is, the record lacks substantial evidence support for the rejection. *In re Zurko*, supra. *In re Lee*, supra. Again, it would not have been obvious to have modified Hackett as alleged to have produced the recited invention.

#### The references do not teach or suggest the recited apparatus

Appellants have already shown that the relied upon (and alleged) features in Hackett and Wookey cannot teach or suggest the recited apparatus. Although not relied upon (or alleged) in the Action, Appellants would also like to point out (to prevent further unnecessary prosecution delay by the Office) that Hackett's computer (116) of remote monitoring station (98) also cannot constitute the recited computer. For example (but not necessarily the only example), Hackett's

remote computer (116) does not cause image data to be stored in a data store "responsive to" the ATM (52) "carrying out at least one transaction function". In Hackett the storage of data in an ATM hard drive (148, 150) is not caused by the remote computer (116). Nor is the remote computer (116) transaction function-dependent. Furthermore, the operator (134) (not the remote computer 116) orders the images (page 22, lines 11-12). The operator reviews images as a response to theft, not as a response to every insignificant transaction function carried out with the ATM (52). Even if it were somehow possible (which it isn't) for Hackett's remote computer (116) to cause image storage, it still would not be in response to the ATM (52) carrying out a transaction function.

Furthermore, Hackett's remote computer (116) cannot constitute the recited computer because the remote computer (116) is part of the remote monitoring station (98). The Action alleges the remote monitoring station (98) as the recited user terminal. That is, the Action has assigned the remote station (98) to be the recited user terminal. Hackett's remote monitoring station (98) includes the remote computer (116). However, the claim language prevents the recited user terminal from including the recited computer. The recited user terminal is able to communicate with the recited computer server through a browser. If the alleged user terminal (98) in Hackett included the recited computer server, then how could the alleged user terminal communicate with itself? It can't. It follows that Hackett's remote monitoring station (98) can't constitute both the recited user terminal and the recited computer. Again, Hackett's remote computer (116) can't constitute the recited computer.

For reasons already discussed, Wookey cannot alleviate these further noted deficiencies of Hackett with regard to the recited computer. Wookey is non analogous art (to both the recited

invention and to Hackett). Wookey is directed to diagnostics, not ATM transaction functions. In Wookey the diagnostics and communications are schedule-based. That is, they are not in response to an ATM transaction function. Thus, Wookey teaches away from storing image data in response to an ATM carrying out a transaction function.

Again, the references, no matter how combined, do not teach or suggest the recited features and relationships. The Action does not factually support any *prima facie* conclusion of obviousness. Nor would it have been obvious to one having ordinary skill in the art to have modified Hackett with the teaching of Wookey to have produced the recited apparatus. Thus, Appellants respectfully submit that the 35 U.S.C. § 103(a) rejection of claim 1 should be withdrawn.

## **Claim 2**

The references further do not teach or suggest a computer that can include image data in a data store responsive to the machine operating to provide cash. Hackett's computer (146) (the alleged recited computer) does not store image data in a data store in response to the ATM providing cash. Where does Hackett's computer (146) store image data in response to operation of the cash dispenser device? At best, Hackett's camera initiation is in response to a person (not a cash dispenser device) inserting their card in the card slot (66) (page 14, lines 25-26; page 17, lines 12-14). Again, Hackett's computer (146) cannot constitute the recited computer.

Hackett at relied upon page 5 (first paragraph) relates to responding to specific data (e.g., "an amount which is greater than a predetermined threshold amount"), not responding to the operation of a cash dispenser device, by transferring images to the remote station. Hackett at relied upon page 8 (first paragraph) merely relates to a typical configuration of an ATM.

The relied upon e-mail features of Wookey cannot alleviate the noted deficiencies of Hackett. The Office has not established a *prima facie* case of obviousness. Nor would it have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

### **Claim 3**

Claim 3 depends from claim 2/1. The references, taken alone or in combination, further do not teach or suggest the recited computer. The relied upon computer (146) of Hackett doesn't store image data in a data store when an amount of cash provided by the machine is at least a predetermined amount. Again, Hackett's computer (146) cannot constitute the recited computer.

The relied upon sections of Hackett refer to image transfer, not image storage in a data store (that includes the predetermined amount instructions). Nor does Hackett store image data based on an amount of cash, especially an amount provided *by the machine*. Hackett's camera system is at best activated in response to a customer inserting their card in the card slot (66). Hackett captures images of all transactions, and may continuously capture images at all times (e.g., page 3, lines 23-24; page 16, lines 18-29; page 19, lines 11-15). Where does Hackett link image capture to a transaction involving a predetermined amount of cash? The Office has not established a *prima facie* case of obviousness.

### **Claim 4**

The references, taken alone or in combination, further do not teach or suggest the recited computer. The relied upon computer (146) of Hackett isn't operative to store image data responsive to operation of each of a plurality of transaction function devices during a transaction. Again, Hackett's computer (146) cannot constitute the recited computer. The relied upon



sections of Hackett do not teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness.

#### **Claim 5**

The references, taken alone or in combination, further do not teach or suggest the recited computer. The relied upon computer (146) of Hackett isn't operative to sense lack of usable video from a first camera and to store image data from a second camera responsive to a stored sequence. Again, Hackett's computer (146) cannot constitute the recited computer. The relied upon sections of Hackett do not teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness.

#### **Claim 6**

The references, taken alone or in combination, further do not teach or suggest the recited computer or banking machine. The relied upon computer (146) of Hackett isn't operative to include in a data store, transaction data corresponding to inputted data in the manner recited. Again, Hackett's computer (146) cannot constitute the recited computer. The relied upon sections of Hackett do not teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness.

#### **Claim 7**

Claim 7 depends from claim 6/1. The references, taken alone or in combination, further do not teach or suggest the recited user terminal browser that is operative to process transaction data. The Office has not established a *prima facie* case of obviousness.

### **Claim 8**

The references, taken alone or in combination, do not teach or suggest the recited computer that is further operative to include in the data store, image data corresponding to second camera signals in the manner recited. Again, Hackett's computer (146) cannot constitute the recited computer. The Office has not established a *prima facie* case of obviousness.

### **Claim 9**

Claim 9 depends from claim 8/1. The references, taken alone or in combination, further do not teach or suggest a camera located in an *interior* of an automated banking machine. Note, for example, Specification page 75, lines 21-22. Hackett's camera (90a) is *mounted* at a customer console (64) (page 8, lines 19-21). That is, the relied upon camera (90a) in Hackett is situated at an *exterior* of the ATM. The Action is silent as to how the camera (90a) could capture the face of a person standing in the zone (92a) if it were located in the interior of the ATM (52)? The Office has not established a *prima facie* case of obviousness.

### **Claim 10**

Claim 10 depends from claim 8/1. The references, taken alone or in combination, further do not teach or suggest the recited computer. Again, Hackett's computer (146) cannot constitute the recited computer. Where do the references, taken alone or in combination, teach or suggest a computer that is both operative to include image data corresponding to (first) camera signals in a data store responsive to the machine carrying out a transaction function (claim 1) and further operative to include image data corresponding to second camera signals in the data store responsive to motion detection instructions (claim 10)? The Office has not established a *prima facie* case of obviousness.

### **Claim 11**

Claim 11 depends from claim 8/1. The references, taken alone or in combination, further do not teach or suggest the recited computer. Again, Hackett's computer (146) cannot constitute the recited computer. Where do the references teach or suggest a computer that is both operative to include image data corresponding to (first) camera signals in a data store responsive to the machine *carrying out* a transaction function (claim 1) and further operative to include image data corresponding to second camera signals in the data store responsive to instructions and a sensor indicating that a service area door has been opened (claim 11)? The Office has not established a *prima facie* case of obviousness.

### **Claim 12**

Claim 12 depends from claim 11/8/1. The references, taken alone or in combination, further do not teach or suggest the recited computer. Again, Hackett's computer (146) cannot constitute the recited computer. Where do the references teach or suggest a computer that is operative to include image data corresponding to (first) camera signals in a data store responsive to the machine carrying out a transaction function (claim 1); is further operative to include image data corresponding to second camera signals in the data store responsive to instructions and a sensor indicating that a service area door has been opened (claim 11); and is further operative to send an e-mail message through a communication network responsive to the instructions (claim 12)? The alleged e-mail feature of Wookey cannot alleviate the many deficiencies of Hackett. The Office has not established a *prima facie* case of obviousness.

### **Claim 13**

The references, taken alone or in combination, further do not teach or suggest the recited computer. Again, Hackett's computer (146) cannot constitute the recited computer. The references do not teach or suggest a computer that is operative responsive to stored sequence instructions to include image data in a data store. Nor do the references teach or suggest a user terminal having in connection therewith a user terminal input device, especially where the sequence is changeable through an input to the user terminal input device. The Office has not established a *prima facie* case of obviousness.

### **Claim 14**

The references, taken alone or in combination, further do not teach or suggest the recited computer and data store. Where do the references teach or suggest a data store that includes instructions for determining a *time period* during which the data store is expected to continue to accept additional data? Where do the references teach or suggest a computer that is further operative to calculate such a *time period* responsive to the instructions? Again, Hackett's computer (146) cannot constitute the recited computer. Nor do the relied upon sections of Hackett teach or suggest the recited features and relationships. The Office has not established a *prima facie* case of obviousness.

### **Claim 15**

Claim 15 depends from claim 14/1. The references, taken alone or in combination, further do not teach or suggest the recited computer and instructions. Where do the references teach or suggest instructions for both determining a time period and sending a message that

includes data representative of the time period? The Office has not established a *prima facie* case of obviousness.

#### **Claim 17**

For reasons already discussed, the references, taken alone or in combination, also do not teach or suggest the recited server and data store located within the recited automated banking machine. The Office has not established a *prima facie* case of obviousness. It would not have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

#### **Claim 18**

The references, taken alone or in combination, further do not teach or suggest a camera that is operative to produce camera signals, and the camera signals are transmitted to the computer through a network. Where does Hackett even transmit camera signals to the computer (146) (the alleged recited computer)? Hackett's camera (90) signals are processed (139) (i.e., converted to image) at the camera and then stored (140) at the camera (e.g., step 222; Figure 3). Later the images can be transmitted via a direct data bus cable (105) (not a network) to the computer (146). The Office has not established a *prima facie* case of obviousness.

#### **Claim 19**

The references, taken alone or in combination, further do not teach or suggest a camera server in operative connection with the camera and the computer. The alleged (at Action page 9, last paragraph) "camera computer" in Hackett does not constitute a camera server, especially a server in operative connection with the camera. The Office has not established a *prima facie* case of obviousness.

#### **Claim 20**

The references, taken alone or in combination, further do not teach or suggest having a plurality of cameras communicate with the computer through the further network. The references, do not teach or suggest the communication network (claim 1) or the further network (claim 20). Again, the Office has not established a *prima facie* case of obviousness.

#### **Claim 22**

The references, taken alone or in combination, further do not teach or suggest a data store comprising a recording device having a removable storage medium for the image data in the manner recited. A *prima facie* case of obviousness has not been established.

#### **Claim 30**

Claim 30 depends from claim 4/1. The references, taken alone or in combination, further do not teach or suggest the ability to display a plurality of images corresponding to operation of machine transaction function devices during a transaction, especially images together in a set on the display. The Action is silent as to where the references teach or suggest the recited features and relationships. A *prima facie* case of obviousness has not been established.

#### **Claim 41**

Appellants' remarks in support of the patentability of claim 1 are incorporated herein by reference. For reasons already discussed, the Office has not established a *prima facie* showing of obviousness.

The references, taken alone or in combination, do not teach or suggest the recited "computer". As previously discussed (e.g., claim 1 remarks), the relied upon computer (146) in Hackett does not include a server.

Furthermore, the relied upon ATM computer (146) is not operative "to cause image data corresponding to the signals to be included in the data store" "responsive to the ATM carrying out at least one ATM transaction function through *operation* of at least one transaction function device". Hackett refers to typical ATM transactions, such as "deposits to savings or checking accounts and cash withdrawals" (page 8, lines 4-6). These transaction functions are typically respectively carried out through operation of a deposit accepting device and a cash dispenser device. However, where does Hackett's computer (146) cause image data to be stored responsive to the *operation* of a deposit accepting device or a cash dispenser device, especially at relied upon page 16, line 27 to page 17, line 7 (as alleged at Action page 3, lines 16-17)? It follows that the relied upon computer (146) in Hackett cannot constitute the recited computer.

As previously discussed (e.g., claim 1 remarks), Hackett's remote computer (116) of remote monitoring station (98) also cannot constitute the recited computer. Hackett's remote computer (116) also does not cause image data to be stored in a data store "responsive to" the ATM (52) "carrying out at least one ATM transaction function through operation of at least one transaction function device". Nor can Hackett's remote monitoring station (98) (which includes the remote computer 116) constitute both the recited user terminal and the recited computer.

The Office has not established a *prima facie* case of obviousness. Nor would it have been obvious to one having ordinary skill in the art to have modified Hackett as alleged to have produced the recited apparatus.

#### **Claim 42**

The references, taken alone or in combination, further do not teach or suggest an image device located in an *interior* of the ATM. For reasons already discussed (claim 9 remarks), the

relied upon camera (90a) in Hackett is situated at the *exterior* of the ATM, not the interior. The Office has not established a *prima facie* case of obviousness.

**Claim 43**

Claim 43 depends from claim 42/41. For reasons already discussed (claim 17 remarks), the references, taken alone or in combination, further do not teach or suggest the recited server and data store located in the interior the recited ATM. The Office has not established a *prima facie* case of obviousness. It would not have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

**The Claims Are Not Obvious Over  
Hackett in view of Wookey and Blackwell**

Claims 25-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hackett in view of Wookey and Blackwell.

The Action admits that Hackett/Wookey does not teach or suggest "document image signals corresponding to at least one appearance feature of documents input to the machine" (claim 25) or "document verification" (claims 28-29).

The Action alleges that Blackwell teaches the features admitted as absent in Hackett/Wookey. The Office reasons that it would have been obvious "to add document image signals [to Hackett] because Hackett discloses transaction image signals". The Office further reasons that it would have been obvious "to add document verification to Hackett's ATM system because Hackett discloses a remote monitoring system wherein a plurality of financial transactions can be performed". The Action alleges that "doing so would add more security by



e.g., verifying the signatures on checks before accepting them for deposit, and possible allowing customers to essentially cash checks".

The Appellants respectfully disagree with the interpretation and application of the references, as discussed in more detail hereafter.

#### **Claim 25**

The references, taken alone or in combination, do not teach or suggest an automated banking machine that includes an imaging device that can generate document image signals corresponding to an appearance feature of documents input to the machine, nor a computer that, responsive to data store instructions, can include in the data store document image data corresponding to the document image signals. Appellants' Figure 13 embodiment shows an example of a document imaging device (230).

Blackwell does not teach or suggest the recited automated banking machine imaging device. Blackwell's camera (52) can capture an image of an identity document positioned on a (transparent) desk (40) at a remote user terminal (Figure 2). Where does the relied upon section of Blackwell teach or suggest *input* of a document to an automated banking machine or generation of an image of the inputted document? The Office has not established a *prima facie* case of obviousness.

Furthermore, the claim recites that the automated banking machine includes the imaging device. Conversely, Blackwell teaches performing the imaging at a remote terminal. However, Blackwell's remote terminal (20, 22, 24) is for use by a customer, whereas Hackett's remote monitoring station (98) is for use by a monitoring operator (134). The two arrangements are not

compatible. Nor would it have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

#### **Claim 26**

Claim 26 depends from claim 25/1. Nor does the relied upon Blackwell teach or suggest that "document image data" (corresponding to document image signals generated with an imaging device) is stored in correlated relation with "image data" that was produced responsive to camera signals. Where does Blackwell teach or suggest image data produced responsive to camera signals (claim 1)? Where does Blackwell teach or suggest that "document image data" is stored in correlated relation with "image data"? Blackwell is limited to storing an image of an identity document (col. 13, line 43 to col. 14, line 16). Where does Blackwell teach or need to store other image data?

The Office has not established a *prima facie* case of obviousness. Nor would it have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

#### **Claim 27**

Claim 27 depends from claim 25/1. Nor does the relied upon Blackwell teach or suggest that a server is operative responsive to data store instructions to deliver document image data through a network. The Office has not established a *prima facie* case of obviousness.

#### **Claim 28**

Claim 28 depends from claim 27/25/1. The Action is silent as to which elements in the relied upon Blackwell constitute the recited document verification terminal, verification data store, and server. Where does Blackwell teach or suggest a document verification terminal that is operative to access document image data through a server, and compare the document image data

with indicia data (indicative of the genuineness of documents) from a verification data store?

The Office has not established a *prima facie* case of obviousness.

**Claim 29**

Claim 29 depends from claim 28/27/25/1. Nor does the relied upon Blackwell teach or suggest that indicia in the verification data store corresponds to written signatures. Nor does Blackwell teach or suggest that a document verification terminal is operative to compare signatures in documents (represented by document image data) to data representative of written signatures in the verification data store. Where does Blackwell compare document signatures with written signatures in a data store? Where does Blackwell teach the ability to compare signatures? Furthermore, a signature in Blackwell is that of a verification authority using the verification terminal, not that of a customer using the remote terminal as apparently alleged. The Office has not established a *prima facie* case of obviousness.

**The Claims Are Not Obvious Over  
Hackett in view of Wookey and Cruz**

Claims 31-37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hackett in view of Wookey and Cruz.

The Action (at page 13, last paragraph) admits that Hackett/Wookey does not teach or suggest the recited features and relationships of claims 31-37. The Action alleges that Cruz teaches the features admitted as absent in Hackett/Wookey. The Office reasons that it would have been obvious to modify Hackett with the alleged teaching of Cruz because "Giving the user

more features would merely make Hackett's system even more user friendly and easier to use when there is an emergency" (Action page 16, first paragraph).

### **Claim 31**

Claim 31 depends from claim 30/4/1. The relied upon Cruz is directed to non analogous art. Further, where does Cruz teach or suggest that the ability to select one image from a set of displayed images to have a larger version of the selected image displayed? The relied upon section (col. 14, lines 39-44) of Cruz does not teach or suggest the recited ability. The Office has not established a *prima facie* case of obviousness.

### **Claim 32**

Claim 32 depends from claim 31/30/4/1. Nor does the relied upon Cruz further teach or suggest storing data representative of transaction data (produced by an automated banking machine responsive to transaction function device operation) in a data store in correlated relation with corresponding image data (produced responsive to camera signals). Where does Cruz even teach or suggest banking machine transaction data related to the operation of a transaction function device of the machine? Further, where does Cruz access this banking machine transaction data at a user terminal with a browser, especially to display the transaction data at the user terminal with the selected image? The Office has not established a *prima facie* case of obviousness.

### **Claim 33**

Claim 33 depends from claim 31/30/4/1. Nor does the relied upon Cruz further teach or suggest that selection of a displayed icon with an input device is operative to selectively cause

images in a *series* of images to be made visible on a display (of the user terminal; claim 30).

Again, the Office has not established a *prima facie* case of obviousness.

#### **Claim 34**

Claim 34 depends from claim 33/31/30/4/1. Nor does the relied upon Cruz further teach or suggest that selection of a first displayed icon is operative to cause an image in a *first direction in the series* (of claim 33) to be made visible, and selection of a second displayed icon is operative to cause an image in a *second direction in the series* (of claim 33) to be made visible on the display. Again, the Office has not established a *prima facie* case of obviousness.

#### **Claim 35**

Claim 35 depends from claim 33/31/30/4/1. Nor does the relied upon Cruz further teach or suggest that selection of a displayed icon is operative to scroll through the series of images (of claim 33). The Office has not established a *prima facie* case of obviousness.

#### **Claim 36**

Claim 36 depends from claim 33/31/30/4/1. Nor does the relied upon Cruz further teach or suggest display of both first and second icons, so that selection of the first displayed icon causes the display of an image disposed a first number of images in a series of images from the currently displayed image, and selection of the second displayed icon is operative to cause display of an image in a series disposed of a second number of images in a series of images from a currently displayed image. Appellants' Figure 17 embodiment shows an example of first and second icons (306, 308). Where does Cruz teach or suggest that selection of one icon causes the displaying of a disposed image in the series, whereas selection of another icon causes the

displaying of another disposed image in the series? The Office has not established a *prima facie* case of obviousness.

### **Claim 37**

Claim 37 depends from claim 36/33/31/30/4/1. Nor does the relied upon Cruz further teach or suggest that an image displayed responsive to the first displayed icon, and an image displayed responsive to selection of the second displayed icon, are each disposed in the same direction from the currently displayed image. Again, the Office has not established a *prima facie* case of obviousness.

### **Claim 21 Is Not Obvious Over Hackett in view of Wookey and Bellman**

Claim 21 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Hackett in view of Wookey and Bellman.

The Action (at page 16) admits that Hackett/Wookey does not teach or suggest a power supply network. The Action alleges that Bellman teaches the features admitted as absent in Hackett/Wookey. The Office reasons that it would have been obvious to modify Hackett's "remote system which may be un-manned" with the alleged teaching of Bellman to provide "a power supply network and/or backup power" so the "cameras and ATM could use AC/DC current and operate normally". This assertion ignores what is recited in the claim.

### **Claim 21**

Claim 21 depends from claim 20/1. The relied upon Bellman is directed to non analogous art. Bellman does not teach or suggest having a plurality of cameras *communicate*

with a computer through a network (claim 20) that includes a power supply network in the manner recited. The Office has not established a *prima facie* case of obviousness.

Furthermore, the Office's alleged motivation for modification of Hackett is unreasonable. Equipping Hackett's remote station (98) with backup power would not provide power to the cameras and ATM because they are separate and distant from the remote station (98). It would not have been obvious to have modified Hackett as alleged to have produced the recited apparatus.

## CONCLUSION

Each of Appellants' pending claims specifically recites features and relationships that are neither disclosed nor suggested in any of the applied prior art. Furthermore, the applied prior art is devoid of any teaching, suggestion, or motivation for combining features of the applied prior art so as to produce the recited invention. For these reasons it is respectfully submitted that all the pending claims are allowable.

Respectfully submitted,



Ralph E. Jocke  
WALKER & JOCKE  
231 South Broadway  
Medina, Ohio 44256  
(330) 721-0000

Reg. No. 31,029





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## CLAIMS APPENDIX

1. Apparatus comprising:

an automated banking machine carrying out at least one transaction function;

at least one camera adjacent the banking machine, wherein the camera is operative to produce camera signals corresponding to images;

a computer including a server in operative connection with a data store, wherein the computer is in operative connection with the machine and the camera, and wherein the computer is operative to include image data corresponding to the camera signals in the data store responsive to the machine carrying out at least one transaction function;

at least one communication network in operative connection with the server; and

a user terminal including an output device in operative connection with the network, wherein the user terminal includes a browser, and wherein the user terminal communicates with the server through the browser and is operative to output images corresponding to the image data through the output device.

2. The apparatus according to claim 1 wherein the banking machine is operative to provide cash, and wherein the computer is operative to include image data in the data store responsive to the machine operating to provide cash.

3. The apparatus according to claim 2 wherein the data store includes instructions including data representative of a predetermined amount, and wherein the computer is operative to include image data in the data store when an amount of cash provided by the machine is at least the predetermined amount.

4. The apparatus according to claim 1 wherein the machine includes a plurality of transaction function devices, and wherein the computer is operative to include image data in the data store responsive to operation of each of a plurality of transaction function devices during a transaction.

5. The apparatus according to claim 1 and further comprising a plurality of cameras, and wherein the data store further comprises instructions including a sequence, wherein the computer is operative to sense lack of usable video from a first camera and to store image data from a second camera responsive to the sequence.

6. The apparatus according to claim 1 wherein the banking machine includes an input device, and wherein the input device receives input data through the input device, and wherein the banking machine carries out the transaction function responsive to the input data, and wherein the computer is operative to include in the data store transaction data corresponding to the input data.

7. The apparatus according to claim 6 wherein the user terminal is operative to process the transaction data with the browser, and to output indicia corresponding to the transaction data with the output images through the output device.

8. The apparatus according to claim 1 and further comprising a second camera, wherein the second camera produces second camera signals corresponding to a service area of the machine, and wherein the computer is operative to include in the data store image data corresponding to the second camera signals.

9. The apparatus according to claim 8 wherein the second camera is located in an interior of the automated banking machine.

10. The apparatus according to claim 8 wherein the data store further includes motion detection instructions, and wherein the computer is operative responsive to the motion detection instructions to include the image data corresponding to the second camera signals in the data store.

11. The apparatus according to claim 8 and further comprising a door, wherein opening the door is operative to provide access to the service area, and further comprising a sensor in operative connection with the door, and further comprising instructions in the data store, wherein the computer is operative responsive to the instructions and the sensor indicating that the door has been moved to an open condition, to include the image data corresponding to the second camera signals in the data store.

12. The apparatus according to claim 11 wherein the computer is further operative responsive to the instructions to send an e-mail message through the network.

13. The apparatus according to claim 1 wherein the data store includes instructions representative of a sequence, and wherein the computer is operative responsive to the sequence to include image data in the data store, and wherein the user terminal has in connection therewith a user terminal input device, and wherein the sequence is changeable through an input to the user terminal input device.

14. The apparatus according to claim 1 wherein the data store includes instructions for determining a time period during which the data store is expected to continue to accept additional data, and wherein the computer is operative responsive to the instructions to calculate such a time period.

15. The apparatus according to claim 14 wherein the instructions include message instructions for sending a message, and wherein the computer is operative responsive to the message instructions to send a message through the network wherein the message includes data representative of the time period.
16. The apparatus according to claim 14 wherein the data store includes a transaction history pattern, and wherein the computer calculates the time period responsive to the transaction history pattern.
17. The apparatus according to claim 1 wherein the server and data store are located within the banking machine.
18. The apparatus according to claim 1 wherein the camera signals are transmitted to the computer through a network.
19. The apparatus according to claim 1 and further comprising a camera server in operative connection with the camera, wherein the camera server is in operative connection with the computer.
20. The apparatus according to claim 1 and further comprising a plurality of cameras, and wherein a further network is in operative connection with the plurality of cameras and the computer, wherein the plurality of cameras communicate with the computer through the further network.

21. The apparatus according to claim 20 wherein the further network includes a power supply network.

22. The apparatus according to claim 1 wherein the data store comprises a recording device having a removable storage medium, wherein the image data is recorded on the removable storage medium.

23. The apparatus according to claim 1 wherein the data store includes instructions for determining if an amount of image data in the data store is at a level, and further comprising a remote data store in operative connection with the network, wherein the computer is operative responsive to the amount of the image data being as great as the level, to transfer data through the network to the remote data store.

24. The apparatus according to claim 23 wherein the data store includes further instructions, wherein the computer is operative responsive to the further instructions to erase image data in the data store after transfer of such image data to the remote data store.

25. The apparatus according to claim 1 wherein the banking machine includes an imaging device, wherein the imaging device is operative to generate document image signals corresponding to at least one appearance feature of documents input to the machine, and wherein the data store includes instructions, and the computer is further operative responsive to the

instructions to include in the data store document image data corresponding to the document image signals.

26. The apparatus according to claim 25 wherein the document image data is stored in correlated relation with image data produced responsive to the camera signals.

27. The apparatus according to claim 25 wherein the data store includes further instructions, and the server is operative responsive to the further instructions to deliver the document image data through a network.

28. The apparatus according to claim 27 and further comprising a document verification terminal in operative connection with the network, and wherein the document verification terminal is in operative connection with a verification data store including data representative of indicia which is indicative of the genuineness of documents, and wherein the document verification terminal includes a further browser, and wherein the document verification terminal is operative to access the document image data through the server and to compare the document image data and the indicia from the verification data store.

29. The apparatus according to claim 28 wherein the indicia in the verification data store corresponds to written signatures, and wherein the document verification terminal is operative to compare signatures in documents represented by the document image data, to data representative of the written signatures in the verification data store.

30. The apparatus according to claim 4 wherein the output device of the user terminal comprises a display, and wherein the display is operative to display a plurality of images corresponding to operation of the transaction function devices during the transaction, together in a set on the display.

31. The apparatus according to claim 30 wherein the user terminal further comprises an input device, wherein the input device is selectively operative to select one of the images in a set, and wherein the user terminal is operative responsive to selection of one image in a set, to display a larger version of the selected image on the display.

32. The apparatus according to claim 31 wherein the banking machine is operative to produce transaction data responsive to operation of at least one transaction function device, and wherein the computer is operative to store data representative of the transaction data in a data store in correlated relation with the corresponding image data, and wherein the transaction data is accessed by the user terminal with the browser, and wherein the corresponding transaction data is output on the display of the user terminal with the selected image.

33. The apparatus according to claim 31 wherein the display includes an icon, and wherein selection of the first icon with the input device is operative to selectively cause images in a series of images to be made visible on the display.



34. The apparatus according to claim 33 and wherein the display comprises a first icon and a second icon, wherein selection of the first icon with the input device is operative to cause at least one image in a first direction in the series to be made visible and wherein selection of the second icon with the input device is operative to cause at least one image in a second direction in the series other than the first direction, to be made visible on the display.

35. The apparatus according to claim 33 wherein selection of the icon is operative to scroll through the series of images.

36. The apparatus according to claim 33 wherein the display comprises a first icon and a second icon, wherein selection of the first icon with the input device is operative to cause at least one image in the series disposed of a first number of images in the series from a currently displayed image, to be displayed on the display, and wherein selection of the second icon with the input device is operative to cause at least one image in the series disposed a second number of images in the series from a currently displayed image, to be displayed.

37. The apparatus according to claim 36 wherein the at least one image displayed responsive to the first icon and the at least one image displayed responsive to selection of the second icon, are each disposed in a first direction in the series from the currently displayed image.

38. Apparatus comprising:

an automated teller machine (ATM), wherein the ATM includes a plurality of function devices;

at least one camera adjacent the ATM, wherein the camera is operative to produce camera signals corresponding to at least one human image;

a computer in operative connection with a data store and the at least one camera, wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of a selected function device, wherein the computer is operative to store the image data on a first date;

at least one communication network in operative connection with the data store;

a terminal in operative connection with the network and the data store, wherein the terminal is remotely located from the ATM, wherein the terminal includes a display device, wherein the terminal is operative to receive retrieved stored image data on a second date different from the first date, and wherein the terminal is operative to display images corresponding to the retrieved image data through the display device.

39. The apparatus according to claim 38 wherein the function devices comprise transaction function devices, wherein the computer is operative to store image data corresponding to the camera signals in the data store responsive to operation of a selected transaction function device during an ATM transaction.

40. The apparatus according to claim 39 wherein the camera is operative to produce camera signals corresponding to a customer of the ATM, and wherein the terminal is operative to display images corresponding to customer image data through the display device.

41. Apparatus comprising:

an automated teller machine (ATM) including a plurality of transaction function devices;

at least one image device adjacent the ATM, wherein the at least one image device is operative to produce signals corresponding to images;

a computer including a server in operative connection with a data store, wherein the computer is in operative connection with the ATM, and wherein responsive to the ATM carrying out at least one ATM transaction function through operation of at least one transaction function device, the computer is operative at a first time to cause image data corresponding to the signals to be included in the data store;

at least one network in operative connection with the server;

a user terminal remotely located from the ATM and in operative connection with the network, wherein the user terminal includes an output device, and wherein the user terminal is operative to communicate with the server and to output images corresponding to the image data through the output device at a second time subsequent to the first time.

42. The apparatus according to claim 41 wherein the at least one image device is located in an interior of the ATM.

43. The apparatus according to claim 42 wherein the server and the data store are located in the interior of the ATM.

**(ix)**

**EVIDENCE APPENDIX**

(None)

(x)

**RELATED PROCEEDINGS APPENDIX**

(None)